
Introduced by Senator Figueroa

February 20, 2002

An act to amend Section 4061 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1558, as introduced, Figueroa. Dangerous drug or dangerous device samples.

Existing law, the Pharmacy Law, prohibits a manufacturer's sales representative from distributing a complimentary dangerous drug or dangerous device sample without the written request of a physician and surgeon or other specified healing arts practitioner. Under existing law, a certified nurse-midwife, a nurse practitioner, or a physician assistant may sign for the delivery or receipt of a sample requested by the supervising physician and surgeon.

This bill would additionally authorize a certified nurse-midwife, a nurse practitioner, and a physician assistant to request and sign for these complimentary samples.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4061 of the Business and Professions
2 Code is amended to read:
3 4061. (a) No manufacturer's sales representative shall
4 distribute any dangerous drug or dangerous device as a
5 complimentary sample without the written request of a physician,
6 dentist, podiatrist, or veterinarian. However, a certified

1 nurse-midwife who functions pursuant to a standardized
2 procedure or protocol described in Section 2746.51, a nurse
3 practitioner who functions pursuant to a standardized procedure
4 described in Section 2836.1, or protocol, or a physician assistant
5 who functions pursuant to Section 3502.1, may sign for the
6 ~~delivery or request and for the receipt of complimentary samples~~
7 ~~of a dangerous drug or dangerous device that has been requested~~
8 ~~in writing by his or her supervising physician. Each.~~

9 (b) Each written request shall contain the names and addresses
10 of the supplier and the requester, the name and quantity of the
11 specific dangerous drug desired, the name of the certified
12 nurse-midwife, nurse practitioner, or physician assistant, if
13 applicable, receiving the samples pursuant to this section, the date
14 of receipt, and the name and quantity of the dangerous drugs or
15 dangerous devices provided. These records shall be preserved by
16 the supplier with the records required by Section 4059.

17 (c) *Nothing in this section is intended to expand the scope of*
18 *practice of a certified nurse-midwife, nurse practitioner, or*
19 *physician assistant.*

